

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANSWER OF DEFENDANT JOHN BELMAR
TO THE FIRST AMENDED COMPLAINT

COMES NOW Defendant John Belmar (“County”), and for his responsive pleading to the First Amended Complaint answers as follows:

Introductory allegations

1. No responsive pleading is necessary to the introductory statement in Paragraph 1 of the First Amended Complaint. To the extent one is needed, Belmar denies it.
2. Denies the allegations of Paragraphs 2 through 4 of the First Amended Complaint.
3. No responsive pleading is necessary to the introductory statement in Paragraph 5 of the First Amended Complaint. To the extent one is needed, Belmar denies it.
4. Admits the allegations of the First Amended Complaint, Paragraphs 6 through 10.

Parties

5. Lacks sufficient knowledge or information to form a belief as to the veracity of the First Amended Complaint, Paragraphs 11 through 16, and so denies them.
6. Admits the allegation of Paragraph 17 of the First Amended Complaint.
7. Admits the allegations of Paragraph 18, except that County is a charter county, rather than a municipal corporation.
8. Admits the allegation of Paragraph 19 of the First Amended Complaint.

Facts

9. Admits the allegations of Paragraph 20.
10. Lacks sufficient knowledge or information to form a belief as to the veracity of the First Amended Complaint, Paragraphs 20 through 23, and so denies them.
11. Denies Paragraph 24.
12. Lacks sufficient knowledge or information to form a belief as to the veracity of the First Amended Complaint, Paragraphs 25 through 30, and so denies them.
13. Denies Paragraph 31.
14. Lacks sufficient knowledge or information to form a belief as to the veracity of the First Amended Complaint, Paragraphs 32 through 46, and so denies them.
15. Admits Paragraph 47.

16. Lacks sufficient knowledge or information to form a belief as to the veracity of the First Amended Complaint, Paragraphs 48 and 49, and so denies them.
17. Admits Paragraph 50.
18. Lacks sufficient knowledge or information to form a belief as to the veracity of the First Amended Complaint, Paragraphs 51 through 66, and so denies them.
19. Admits Paragraphs 67 and 68.
20. Lacks sufficient knowledge or information to form a belief as to the veracity of the First Amended Complaint, Paragraph 69, and so denies it.
21. Admits Paragraphs 70 and 71.
22. Lacks sufficient knowledge or information to form a belief as to the veracity of the First Amended Complaint, Paragraph 72, and so denies it.
23. Denies Paragraphs 73 through 76.
24. Lacks sufficient knowledge or information to form a belief as to the veracity of the First Amended Complaint, Paragraphs 77 through 83, and so denies them.
25. Denies Paragraphs 84 through 86.

Count I – First Amendment

26. Repeats its earlier responses to the subject paragraphs.
27. Denies Paragraph 88.
28. Admits Paragraph 89.
29. Denies Paragraphs 90 and 91.

Count II – First Amendment

30. Repeats its earlier responses to the subject paragraphs.

31. Denies Paragraph 93.

32. Admits Paragraph 94.

33. Denies Paragraphs 95 and 96.

Count III – First Amendment Retaliation

34. Repeats its earlier responses to the subject paragraphs.

35. Admits Paragraph 98.

36. Denies Paragraphs 99 through 101.

Count IV- First Amendment Retaliation

37. Repeats its earlier responses to the subject paragraphs.

38. Admits Paragraph 103.

39. Denies Paragraphs 104 through 106.

Count V – Fourth Amendment Search and Seizure

40. Repeats its earlier responses to the subject paragraphs.

41. Admits Paragraph 108.

42. Denies Paragraphs 109 through 111.

Count VI – Fourth Amendment Search and Seizure

43. Repeats its earlier responses to the subject paragraphs.

44. Admits Paragraph 113.

45. Denies Paragraphs 114 through 116.

Count VII – *Monell* liability

46. Repeats its earlier responses to the subject paragraphs.

47. Denies Paragraphs 118 through 125.

48. Lacks sufficient knowledge or information to form a belief as to the veracity of the First Amended Complaint, Paragraph 126, and so denies it.

49. Denies Paragraph 127.

Count VIII – Declaratory Judgment

50. Repeats its earlier responses to the subject paragraphs.

51. Denies Paragraphs 129 through 131.

Count IX – False Imprisonment

52. Belmar makes no responsive pleadings to the allegations contained in Count IX, as not directed against him.

Count X – False Imprisonment

53. Belmar makes no responsive pleadings to the allegations contained in Count X, as not directed against him.

Count XI – Battery

54. Belmar makes no responsive pleadings to the allegations contained in Count XI, as not directed against him.

Count XII – Battery

55. Belmar makes no responsive pleadings to the allegations contained in Count XII, as not directed against him.

Affirmative Defenses

No. 1 Probable cause or reasonable grounds existed for the arresting officer or officer to place the Plaintiffs under arrest.

No. 2 Any force used against Plaintiffs was objectively reasonable.

No. 3 Belmar is possessed of qualified immunity to any of the allegations made against him in the Complaint brought under Sec. 1983.

WHEREFORE, Defendant Belmar asks that the First Amended Complaint be dismissed as to him, and for such other relief as the Court deems appropriate in the circumstances.

PETER J. KRANE
COUNTY COUNSELOR

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A copy of the foregoing was filed May 28, 2015 with the Court's electronic filing system.

/s/ Michael A. Shuman